

Illegal Occupation/Blockades: Regulatory and Contracting Options to Incent Compliance

Protests and demonstrations aimed at public health measures continue to grow in both scale and scope across the country. Given the complexity of such incidents, safe resolution requires three levels of government to collaborate and exercise all appropriate authorities. To those ends and in particular with respect to trucks, Transport Canada offers the following as a stepped strategy for consideration by police services local governments and transportation authorities of jurisdiction, cities and provinces.

Part of the challenge is some of those involved do not believe they are doing anything unlawful and there will be no negative consequences. There is an opportunity to instances were commercial trucks or other vehicles are involved as part of an unlawful protest/demonstration:

Enforcement:

1. Police
 - a. Issue offense tickets under Provincial legislation for each vehicle in contravention of provisions of such legislation and/or where drivers fail to comply with police requests/direction.
 - b. Gather plate numbers and driver information of all vehicles involved and pass on to Provincial authorities
2. Provincial Transportation Authorities
 - a. Upon receipt of information from police, use all direction in the *Highway Traffic Act* and Acts to implement a maximum rapid enforcement strategy, including but not limited to the following for every vehicle:
 - i. Immediate notice of violations and application of all possible penalties
 - ii. Temporary or permanent suspension of Commercial Vehicle Operators Registration for any purpose other than leaving the occupation
 - iii. Communication with insurance providers and requesting cancelation of policies
 - iv. Immediate communication of these measures to the vehicle owners and those holding the CVOR, if different (IE fleet operator).
 - b. Support local law enforcement in managing vehicle flows by, for example, conducting roadside safety and emissions inspections with maximum penalties for infections (e.g. fines or impounding vehicles)
 - c. Use, or establishment, of provincial emergency legislation creating additional offences for illegal blockades (e.g. as in Nova Scotia and Alberta).

3. Federal provincial and local government contracting blacklist:
 - a. It appears that most of the commercial trucks are connected to seasonal agriculture, construction and local freight operations. Few seem to be connected to larger international-interprovincial long-haul operations.
 - b. Some will work on construction, road-building or snow-clearing operations directly or indirectly tied to provincial or local government contracts (a few may be tied to federal contracts).
 - c. Establishing a blacklist that any commercial operator received an infraction during the occupation will be ineligible for work directly or indirectly on any contracts for local/provincial/federal governments would create an incentive for compliance for some.

Vehicle Removal:

1. Police and municipality
 - a. Upon determining vehicles must be moved from the protest/demonstration site, where possible, have vehicles driven to a safe location.
 - b. For those that can't be driven, make use of all tow resources available (commercial tow trucks, municipal/provincial equipment)
 - c. If insufficient capacity and tow trucks operators are unwilling to assist, then issue the following strong messages and actions:
 - i. Outline plan to ensure their safety
 - ii. Offer to pay a premium for services – double or triple normal rates
 - iii. Indicate that all future business with the Province/City/NCC/OPS/OPP for the next two years under contracted services (eg snow clearing) or calls for service (e.g. referral to tow truck operators in accidents or stuck motorists) will be reserved for those operators who answered the call for service now.
 1. Service contracts will be amended as necessary to enforce this condition. Operators who refuse service will be ineligible to provide tow services directly or indirectly under any contracts with the city, provincial or federal governments for a period of two years.
 2. In effect, refusal to provide service will be considered indirect facilitation of an illegal activity.
2. Province
 - a. Provide any equipment necessary for the removal of vehicles and as noted above, issue the strong messages to change incentives for tow truck operators.
 - b. Use of provincial emergency powers to declare tow services an essential service subject to provincial direction.
3. Federal government:
 - a. Collaborate to the extent possible to change incentives for tow operators.

Early Communication of Maximum Enforcement and Compliance Strategy

Immediately adopting this strategy and communicating it directly to protestors with a deadline that it applies for those who remain after 24 hours could incent compliance and “peel off” some trucks when their owners realize the potential economic costs to them and seek to avoid it. This makes it a good complement to the strategy of cutting off the fuel.